



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,900	10/05/1999	KURUMI MORI	1232-4577	1257

7590 06/18/2003

MICHAEL M MURRAY
MORGAN & FINNEGAN LLP
345 PARK AVENUE
NEW YORK, NY 10154

[REDACTED] EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
2132	6

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/412,900	MORI, KURUMI	
	Examiner Courtney D. Fields	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishiguro et al. U.S. Patent No. 6,256,391. Referring to claims 1 and 7, Ishiguro et al. discloses an apparatus and method comprising: enciphering means for the transmission information and cipher process selection means for selecting whether or not to use said enciphering means at the communication of information (See Column 6, lines 41-50, Column 7, lines 23-47)

Referring to claims 2, 8, and 15, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes: designation means for designating whether or not to execute enciphering on said transmission information and means for selecting whether or not to use said enciphering means according to the designation from an information transmitting person (See Column 7, lines 48-59)

Referring to claims 3, 9, and 16, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes medium discrimination means for discriminating the communication medium connecting the apparatus of the information

Art Unit: 2132

transmitting side (DVD player) and the apparatus of the information receiving side (personal computer), and selects whether or not to use said enciphering means according to the connecting communication medium (See Column 7, lines 60-65, Column 11, lines 60-62)

Referring to claims 4, 10, and 17, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes cipher permission discrimination means for discriminating whether the deciphering is possible at the apparatus of the information receiving side (personal computer), and selects whether or not to use said enciphering means according to the result of said discrimination (See Column 7, lines 66-67, Column 8, lines 1-5, 16-47)

Referring to claims 5, 11, and 18, Ishiguro et al. discloses the claimed limitation wherein said cipher process selection means includes secrecy level discrimination means for discriminating the level of secrecy of said transmission information, and selects whether or not to use said enciphering means according to the result of said discrimination (See Column 6, lines 62-67, Column 7, lines 1-22)

Referring to claims 6 and 12, Ishiguro et al. discloses an apparatus and method comprising: cipher discrimination means for discriminating whether the received information is enciphered and error process means for executing a predetermined error process in case said cipher discrimination means identifies that said received information is enciphered (See Column 16, lines 31-45)

Referring to claim 13, Ishiguro et al. discloses a system comprising: an information transmitting apparatus including enciphering means for the transmission information

Art Unit: 2132

and cipher process selection means for selecting whether or not to use said enciphering means at the communication of information and an information receiving apparatus including at least decoding means for decoding the non-ciphered received information cipher discrimination means for discriminating whether the received information is enciphered and error process means for executing a predetermined error process in case said received information is discriminated as to be enciphered (See Column 6, lines 41-50, Column 7, lines 23-47, Column 12, lines 52-61 and Column 16, lines 31-45)

Referring to claim 14, Ishiguro et al. discloses a system comprising: an information transmitting apparatus including enciphering means for the transmission information and cipher process selection means for selecting whether or not to use said enciphering means at the communication of information and an information receiving apparatus including cipher discrimination means for discriminating whether the received information is enciphered and decoding means for decoding the enciphered received information, in case said received information is discriminated as being enciphered (See Column 6, lines 41-50, Column 7, lines 23-47, and Column 12, lines 30-40)

Referring to claims 19 and 20, Ishiguro et al. discloses the claimed limitation of a computer readable memory medium (ROM, RAM, EEPROM, hard disk) storing a program for functioning a computer as means described in claims 1 and 7 (See Column 5, lines 39-56, 66-67, Column 6, lines 1-15)

Referring to claim 21, Ishiguro et al. discloses an apparatus comprising: enciphering means for enciphering information, means for discriminating whether an intermediate transfer device is present in a transmission channel, and control means for causing said

Art Unit: 2132

enciphering means to encipher the information in case said discrimination means discriminates that the intermediate transfer device is present (See Column 9, lines 45-67, Column 10, lines 1-18)

Referring to claim 22, Ishiguro et al. discloses the claimed limitation wherein said intermediate transfer device is a server (not shown) (See Figure 1 and Column 5, lines 46-47)

Referring to claim 23, Ishiguro et al. discloses the claimed limitation wherein said discrimination means is adapted to discriminate whether said intermediate transfer device is present, based on the destination address of the information (See Column 13, lines 60-67)

Referring to claims 24-33, Ishiguro et al. discloses the claimed limitation of a computer readable memory medium (magneto-optical disk) storing a program for functioning a computer as means described in claims 2-12 (See Column 5, lines 57-65)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamaguchi et al. U.S. Patent 5,600,722 discloses a system and scheme of cipher communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

Art Unit: 2132

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

COT
cdf
June 10, 2003

Gilberto Barron
GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100